

RUDOLPH S. DOBNIK

IBLA 80-755

Decided September 30, 1980

Appeal from a decision of the Alaska State Office, Bureau of Land Management, declaring abandoned and void placer mining claims AA-29556 and AA-29557.

Set aside and remanded.

1. Administrative Procedure: Administrative Review--Mining Claims: Contests

When a Bureau of Land Management decision declares mining claims abandoned and void for failure to timely file a copy of evidence of assessment work or notice of intention to hold as required by 43 U.S.C. § 1744 (1976) (FLPMA) and 43 CFR 3833.2-1(a), and on appeal an assertion is made that the material was properly submitted but under a different spelling of the name of the claims, the decision may be set aside and the case remanded for review.

APPEARANCES: Rudolph S. Dobnik, pro se.

OPINION BY ADMINISTRATIVE JUDGE GOSS

Rudolph S. Dobnik appeals from the June 24, 1980, decision of the Alaska State Office, Bureau of Land Management (BLM), declaring the "No. 2 on Granite" and "No. 1 Granite" mining claims, AA-29556 and 29557, abandoned and void for failure to timely file copies of evidence of assessment work or notices of intention to hold as required by 43 U.S.C. § 1744 (1976) and 43 CFR 3833.2-1(a).

Appellant on July 2, 1980, filed a notice of appeal with reasons therefore. The notice of appeal states in part: "That is why instead of the 1979 asse[ss]ment [filings] being on Granite Creek by all the mistakes on the years following the original [filings] and the asse[ss]ment work[,] the [filings] of 1979 are filed in the name of Granat Creek."

[1] If timely and sufficient filings were made under the claim names "Granat Creek No. 1 and 2," or similar names, then there has been no abandonment. BLM should be accorded the opportunity to review appellant's submissions and State Office records.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case remanded to the Alaska State Office.

Joseph W. Goss
Administrative Judge

We concur:

Edward W. Stuebing
Administrative Judge

Anne Poindexter Lewis
Administrative Judge

